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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **ELROY W. BROWNING,**

11
12 **Plaintiff,**

13 **v.**

14 **JEANNE WOODFORD, et al.,**

15 **Defendants**
16

1: 05-CV-0242 AWI GSA P

**ORDER SETTING HEARING FOR
WEDNESDAY, OCTOBER 31, 2007
AT 9:00 A.M. TO DISCUSS TRIAL**

17 Plaintiff Elroy W. Browning ("Plaintiff") is a state prisoner proceeding pro se and in
18 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding
19 on Plaintiff's complaint, filed March 11, 2005, in which Plaintiff contends that Defendants
20 violated the Eighth Amendment when they sprayed Plaintiff with OC pepper spray in his cell on
21 or about April 9, 2004. Trial in this matter is currently set for November 6, 2007.

22 A review of the court's calendar reveals that the undersigned will be unable to proceed to
23 with this action on November 6, 2007. Thus, the court must hold an immediate telephonic
24 hearing to discuss a trial date. If he has not already done so, prior to the hearing, Defendants'
25 attorney is required to discuss the issue of consenting to Magistrate Judge jurisdiction with his
26 clients.

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Accordingly, the court ORDERS that:

1. A telephonic hearing is SET in this matter for 9:00 a.m. on Wednesday, October 31, 2007.
2. Counsel for Defendants is required to arrange for the participation of Plaintiff at this telephonic hearing and to initiate the telephonic hearing to (559) 499-5669.
3. Prior to the hearing, Defendants' attorney is REQUIRED to discuss with his clients whether they are willing to consent to Magistrate Judge Jurisdiction.
4. The Clerk of the Court is DIRECTED to fax a copy of this order on the litigation coordinator at Plaintiff's institution. The court REQUESTS the litigation coordinator hand deliver a copy of this order to Plaintiff immediately.

IT IS SO ORDERED.

Dated: October 30, 2007

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE